

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DEALTO WHITE,

Plaintiff,

v.

DYLAN JAY NEIL, et al.,

Defendants.

Case No. 1:22-cv-12941

Honorable Thomas L. Ludington
United States District Judge

Honorable Patricia T. Morris
United States Magistrate Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF’S COMPLAINT**

This matter is before this Court upon Magistrate Judge Patricia T. Morris’s Report and Recommendation (R&R) recommending that the undersigned *sua sponte* dismiss Plaintiff’s claims against Defendants Casper and Neil without prejudice under 28 U.S.C. § 1915(e)(2)(B) for not stating a claim upon which relief could be granted, ECF No. 6 at PageID.24, and dismiss Plaintiff’s claims against Defendant Michigan State Police with prejudice because this Court lacks jurisdiction under the Eleventh Amendment, *id.* at PageID.19.

The R&R provides that Plaintiff could object to and seek review of the R&R within 14 days of service. But Plaintiff’s objections, electronically filed on January 9, 2023, are untimely. *See* ECF No. 8. Because Plaintiff did not timely file objections, he has waived his right to appeal Judge Morris’s findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Magistrate Judge Morris’s Report and Recommendation, ECF No. 6, is **ADOPTED**.

Further, it is **ORDERED** that Plaintiff’s Complaint, ECF No. 1, is **DISMISSED**.

Further, it is **ORDERED** that Plaintiff’s claims against Defendant Michigan State Police,

ECF No. 1, are **DISMISSED WITH PREJUDICE**.

Further, it is **ORDERED** that Plaintiff's claims against Defendants Dylan Neil and Colonel Joseph Casper, ECF No. 1, are **DISMISSED WITHOUT PREJUDICE**.

Dated: January 10, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge